

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 1:18-cr-00252-TWP-MJD
)	
DAYONTA MCCLINTON,)	-01
)	
Defendant.)	

Magistrate Judge's Report and Recommendation

The procedural history of this case--up to April 9, 2018--was recited in the court's Report and Recommendation of that date ("April R & R") and will not be repeated here. The April R & R was adopted as an order of the court on August 1, 2018 (Dkt. 56). It was issued as a result of defense counsel Ralph Staples's failure to appear for a status conference in this case AND for his failure to appear as ordered to show cause for his failure to appear for the status conference. *See* April R & R (Dkt. 49) at 2. Mr. Staples was sanctioned in the amount of \$500.00 for these failures.

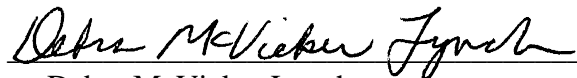
Within a very short period, that conduct repeated itself. Mr. Staples failed to appear on July 25, 2018, for his client's initial hearing upon transfer for adult prosecution. The court therefore issued an order for Mr. Staples to appear on August 7, 2018, to show cause for that failure. Mr. Staples failed to appear for that show cause hearing. This pattern of conduct has inconvenienced the court, the

government and its agents, and the United States Marshal. It has also likely not inspired confidence in his client. The sanction previously entered and paid has not had a deterrent effect. The magistrate judge therefore recommends that defendant's counsel, Ralph W. Staples, Jr. be sanctioned in the amount of one thousand dollars (\$1000.00) for his multiple failures to appear and multiple failures to comply with court orders.

Any objections to this Report and Recommendation must be filed in accordance with 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). The failure to file objections within fourteen days after service will constitute a waiver of subsequent review absent a showing of good cause for that failure. Counsel should not anticipate any extension of this deadline or any other related briefing deadlines.

IT IS SO RECOMMENDED.

Date: 8/30/2018

A handwritten signature in black ink, reading "Debra McVicker Lynch", written over a horizontal line.

Debra McVicker Lynch
United States Magistrate Judge
Southern District of Indiana

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